

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Victor Walther

USDC-EDPA
REC'D CLERK

2021 JUN 10 P 1:17

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

City of Philadelphia

PNC Bank

John W. Herken

Paul Feldman

Dean E. Weisgold

G. Michael Green

COMPLAINT

Jury Trial: ☒ Yes ☐ No

(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name

Street Address

County, City

State & Zip Code

Telephone Number

Victor Walther

3175 Hammond dr.

Delaware County, Garnet Valley

Pa. 19060

610 358 1346

- B. List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name City of Philadelphia
 Street Address 1515 Arch St.
 County, City Phila
 State & Zip Code 19102

Defendant No. 2

Name John W. Heron
 Street Address _____
 County, City City Hall
 State & Zip Code _____

Defendant No. 3

Name Paul Feldman
 Street Address 820 Homestead Rd
 County, City Jenkintown
 State & Zip Code Pa. 19046

Defendant No. 4

Name PNC Bank
 Street Address 1616 Market St
 County, City Phila
 State & Zip Code 19102

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

- A. What is the basis for federal court jurisdiction? (check all that apply)
☒ Federal Questions ☐ Diversity of Citizenship

- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? 42 USC 1983 18 USC 242 1st Amendments
freedom to Associate

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? In America

B. What date and approximate time did the events giving rise to your claim(s) occur? See attached

C. Facts: Deprived of the right to freely associate with any bank of my choosing by a Law created by Judge John W. Herlean and company

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

Every Judge down here who kept dismissing my complaint as being disgruntled

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

Lost OF ASSET Valued at
1.3 million after construction, Lost of
2.9 million stated in TRUST Account by
Herkon but only Paid 9 million by
PNC Bank, Lost OF Countless hours of
ROSALYN'S PRESENCE in Family Home until Death

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

I Want exactly What I
State as the Court can not determine
What these violations OF MR. Walthour's
Right Value is too him

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 10th day of June, 2021.

Signature of Plaintiff

Mailing Address

Devin Dattler
3175 Hammond dr.
Garnet Valley, Pa. 19060

Telephone Number

610 358 1346

Fax Number (if you have one)

E-mail Address

Vicksid11@Verizon.net

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this _____ day of _____, 20____, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Signature of Plaintiff: _____

Inmate Number _____

Right of Association

“It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the ‘liberty’ assured by the Due Process Clause of the [Fourteenth Amendment](#), which embraces freedom of speech. . . . Of course, it is immaterial whether the beliefs sought to be advanced by association pertain to political, economic, religious or cultural matters, and state action which may have the effect of curtailing the freedom to associate is subject to the closest scrutiny.”⁶⁰¹ It appears from the Court’s opinions that the right of association is derivative from the [First Amendment](#) guarantees of speech, assembly, and petition,⁶⁰² although it has at times been referred to as an independent freedom protected by the [First Amendment](#).⁶⁰³ The doctrine is a fairly recent construction, the problems associated with it having previously arisen primarily in the context of loyalty-security investigations of Communist Party membership, and these cases having been resolved without giving rise to any separate theory of association.⁶⁰⁴

Freedom of association as a concept thus grew out of a series of cases in the 1950s and 1960s in which certain states were attempting to curb the activities of the National Association for the Advancement of Colored People. In the first case, the Court unanimously set aside a contempt citation imposed after the organization refused to comply with a court order to produce a list of its members within the state. “Effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association, as this Court has more than once recognized by remarking upon the close nexus between the freedoms of speech and assembly.”⁶⁰⁵ “[T]hese indispensable liberties, whether of speech, press, or association,”⁶⁰⁶ may be abridged by governmental action either directly or indirectly, wrote Justice Harlan, and the state had failed to demonstrate a need for the lists which would outweigh the harm to associational rights which disclosure would produce.

Applying the concept in subsequent cases, the Court, in *Bates v. City of Little Rock*,⁶⁰⁷ again held that the disclosure of membership lists, because of the harm to “the right of association,” could be compelled only upon a showing of a subordinating interest; ruled in *Shelton v. Tucker*⁶⁰⁸ that, though a state had a broad interest to inquire into the fitness of its school teachers, that interest did not justify a regulation requiring all teachers to list all organizations to which they had belonged within the previous five years; again struck down an effort to compel membership lists from the NAACP;⁶⁰⁹ and overturned a state court order barring the NAACP from doing any business within the state because of alleged improprieties.⁶¹⁰ Certain of the activities condemned in the latter case, the Court said, were protected by the [First Amendment](#) and, though other actions might not have been, the state could not infringe on the “right of association” by ousting the organization altogether.⁶¹¹

A state order prohibiting the NAACP from urging persons to seek legal redress for alleged wrongs and from assisting and representing such persons in litigation opened up new avenues when the Court struck the order down as violating the [First Amendment](#).⁶¹² “[A]bstract discussion is not the only species of communication which the Constitution protects; the [First Amendment](#) also protects vigorous advocacy, certainly of lawful ends, against governmental intrusion. . . . In the context of NAACP objectives, litigation is not a technique of resolving

private differences; it is a means for achieving the lawful objectives of equality of treatment by all government, federal, state and local, for the members of the Negro community in this country. It is thus a form of political expression. . . .”